S.B. Civil Writ Petition NO.3690/2000

Gulab Kanwar Vs. State of Rajasthan & Ors.

Date of Order : 10-12-2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. G.K. Vyas, for the petitioner.
Mrs. R.R. Kanwar, for the respondents.

Heard learned counsel for the parties.

The only grievance of the petitioner widow of Govind Singh who was working as Constable in the Police Department of the State of Rajasthan is that petitioner's case for grant of pension should have been considered in the light of the Rule 111(ii) of the Pension Rules, 1996 which was came into force in the year 1996 as the petitioner's husband died in the year 1998 after coming into force of the Rules of 1996.

Learned counsel for the respondents submits that the petitioner's case was considered once and was sent to the Pension department, therefore, they cannot review and reconsider the case of the petitioner.

In view of the fact that petitioner's husband died while he was in service, therefore, petitioner's case is required to be considered under sub-Rule (ii) of Rule 111

of the Pension Rules, 1996.

Therefore, writ petition is allowed. The respondents are directed to consider the case of the petitioner for grant of pension in the light of the sub-Rule (ii) of Rules 111 of Pension Rules, 1996 and pass the appropriate order in accordance with law within a period of two months from today and send the relevant papers to the Pension department. The Pension department shall thereafter pass the appropriate order or disburse the benefits to the petitioner within a period of six weeks thereafter.

[PRAKASH TATIA],J.

Praveen